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7

8 UNITED STATES DISTRICT COURT

9 CLARK COUNTY, NEVADA

10 KIRBY SPENCER,

11 Plaintiff,

12 v.

13 MRS BPO, LLC, a foreign limited-liability  
Company doing business in Nevada,

14 Defendant.  
15

Case No. 2:14-cv-01833-MMD-GWF

16 **DEFENDANT MRS BPO, LLC's MOTION FOR**  
17 **JUDGMENT ON THE PLEADINGS**

18 NOW COMES MRS BPO, LLC ("MRS"), through undersigned counsel, and files this Motion  
19 for Judgment on the Pleadings and supporting memorandum. MRS moves this Court to dismiss the  
20 Complaint filed by plaintiff, Kirby Spencer, ("Plaintiff") for failure to state a claim upon which relief  
21 can be granted.

22 This Court should dismiss plaintiff's claim because he fails to allege any facts to create a  
23 plausible inference that MRS used an automatic telephone dialing system or artificial or prerecorded  
24 voice, as required to state a claim under the TCPA.

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1 WHEREFORE, Defendant, MRS BPO, LLC, requests that the Court dismiss this action with  
2 prejudice and grant it any other relief that the Court deems appropriate.

3 DATED this 10 day of March, 2015.

4 **LINCOLN, GUSTAFSON & CERCOS, LLP**

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6 **SHANNON G. SPLAINE, ESQ.**

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10 Attorneys for Defendant,

11 MRS BPO, LLC

12 **CERTIFICATE OF SERVICE**

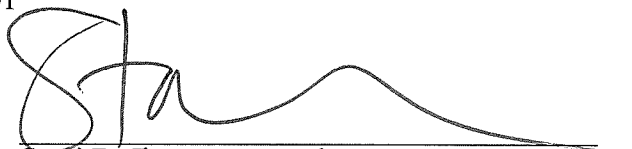
13 I certify that on this 10<sup>th</sup> day of March, 2015, a copy of the foregoing was filed electronically  
14 in the ECF system. Notice of this filing will be sent to the parties of record by operation of the Court's  
15 electronic filing system, including Plaintiff's counsel as described below. Parties may access this  
16 filing through the Court's system.

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21 

22 Staci D. Ibarra, an employee

23 of the law offices of

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25 v:\p-t\spencer\_mrs\attorney notes\drafts\pleadings\20150310\_mot\_judgment.docx